

Final Minutes

Exeter Board of Selectmen

June 1, 2015

1. Call Meeting to Order

Chairwoman Julie Gilman called the meeting to order at 7:00 pm in the Nowak Room of the Exeter Town Offices building. Other members present were Vice Chair Don Clement, Selectwoman Nancy Belanger, Selectwoman Anne Surman, and Selectman Dan Chartrand. Town Manager Russell Dean was also present.

2. Bid Openings/Awards – Town Office Wiring, Snow Go Resolution, Street Sweeper, Stadium Well Construction

Office Wiring:

A Motion was made by Selectman Chartrand and seconded by Vice Chair Clement to award the office wiring bid to Reilly Electric Controls, Inc. in the amount of \$66,600. Vice Chair Clement asked how disruptive this work will be. Jennifer Perry said they will work around staff hours. They will try not to disrupt operations in the building. Vice Chair Clement asked when the work will start. Ms. Perry said there is no schedule yet, but soon. Mr. Dean said he will circulate the schedule when he gets it. With a Motion on the table, the Board voted. Motion carried – all in favor.

Snow-Go:

A Motion was made by Selectman Chartrand and seconded by Vice Chair Clement that the Selectboard approve the resolution Exhibit E regarding the purchase of the new RPM Tech Snowblower Model CM220 approved at the May 4, 2015 Selectboard meeting. An amendment was made to the Motion by Selectman Chartrand and seconded by Vice Chair Clement to waive the reading of the resolution. Motion and amendment carried – all in favor.

A Motion was made by Selectman Chartrand and seconded by Selectwoman Belanger that the Selectboard award authority to the Town Manager to sign any documents regarding the Snow-Go. Motion carried – all in favor.

Selectwoman Surman asked what needs to be signed. Mr. Dean went through a list of documents that need to be signed.

Street Sweeper:

A Motion was made by Selectman Chartrand and seconded by Vice Chair Clement to award the bid for the new Street Sweeper to Donovan Equipment for a total of \$219,823 which includes the base bid of \$10,823 in additional replacement parts and equipment. Ms. Perry said they had applied to NHDES for a loan program and were successful. They can make changes from the warrant article. This will now be a loan agreement with NHDES. With a Motion on the table, the Board voted. Motion carried – all in favor.

A Motion was made by Selectman Chartrand and seconded by Vice Chair Clement that the Selectboard enter into and approve a loan agreement with the New Hampshire Department of Environmental Services for up to \$235,000 to the Town of Exeter and to authorize Town Manager, Mr. Russell Dean, to sign paperwork associated with such agreement on behalf of the Town. Motion carried – all in favor.

Ms. Perry said they have to be able to pay loan in entirety and then NHDES will forgive on each yearly installment.

Lary Lane Groundwater Treatment Plant:

A Motion was made by Selectman Chartrand and seconded by Vice Chair Clement that the BOS authorize the revised construction bid of the stadium well to Apex Construction in the amount of \$459,250. Motion carried – all in favor.

3. Public Comment

Mike Dolly said it has been 17 days since Ms. Von Aulock gave her notice. He said there is still no notice of the job opening. He asked if there will be one. Chairwoman Gilman said there would be one, and that they have hired a consultant. Mr. Dolly said there shouldn't be too long of an interim with all the work going on with the TIF other projects. He also wondered about the possible change of the Economic Development Director from full-time status to a consultant. He asked if this is happening. He said he doesn't see any reasons to make this change and urged the Board not to do this.

Joanna Pellerin asked the Board to endorse a PREP grant application. She talked about the Nitrogen issue. The grant proposal is in the packet in correspondence. She said this is an opportunity to do little steps. The Citizen's Group is asking the Town to endorse this and pay the \$1500 match. She offered to work with Kristen Murphy and/or the Conservation Committee. The application needed to be submitted in less than a week. Selectman Chartrand said the timeframe is tight. He asked Chairwoman Gilman to schedule time at the next BOS meeting to go over all four PREP reports. He said they owe it to the water/sewer ratepayers to talk about this. Vice Chair Clement showed an article about Nitrogen in the bay. He said this is a good grant. It is something to move forward on. He said if they approve the grant, they need to tweak some things. Selectman Chartrand started a Motion, but then withdrew. Brian Griset

said there is a regulatory issue in the application. He said the public didn't receive notice on this, so it should be put off. Selectman Chartrand said he didn't understand the regulatory issues and thinks this application is appropriate. Selectwoman Surman said they have not had a lot of notice on this. Ms. Pellerin asked if it is possible if the application can be sent, and the public comment aspect be considered if the grant is accepted. Vice Chair Clement said he thinks it is fine for the Board to do this. He didn't follow Mr. Griset's opinion about having a public hearing. He said they should apply for the grant and have a discussion after it is accepted. Mr. Griset said he supports the grant, but said this isn't a simple fix. His issue was it was not in the agenda. Mr. Dean said the Board does not have a formal policy on grant applications. Selectman Chartrand asked if the \$1500 is in the Selectman budget. Mr. Dean said it would not be his first suggestion. Ms. Perry said staff met to go over the grant application and they believe it has a lot of merit. She said the public education piece is key. She thanked Ms. Pellerin for coming forward with this. She had a few concerns with the regulatory side, but said they could scrap money together to find a way to pay for it.

A Motion was made by Vice Chair Clement and seconded by Selectman Chartrand that the town move forward and apply for the PREP grant in the amount of \$6000 with match funds from the Town of Exeter of \$1500 and with a recommendation from Mr. Dean to come up with a suggestion of where to pull money from. Motion carried – all in favor.

Gwen English, Planning Board member, said the May 4th meeting of the BOS had some inflammatory comments about the Planning Board. She read a direct quote from a BOS member from that meeting. She talked about the guidelines for Planning Board for electing officers. She doesn't feel the comments made at the May 4th BOS meeting were appropriate. She talked about BOS representatives and alternates being officers on Planning Board. She said nothing states that alternates can't be officers. The Planning Board is in the process of reviewing their guidelines. She said it is unreasonable for a BOS member to make a Motion to put off Planning Board's election of officers. To insinuate that Planning Board members don't follow the rules is insulting.

4. Minutes and Proclamations

a. Proclamations/Recognitions

None.

b. Special Meetings: May 18, 2015

An amendment was made by Selectwoman Surman on page 1, paragraph 4 to change "Selectwoman Surman said the notion of the TIF was promote..." to "Selectwoman Surman said the notion of the TIF was to promote...".

An amendment was made by Chairwoman Gilman on page 3 to change "Brad Nichols" to "Rad Nichols".

A Motion was made by Selectman Chartrand and seconded by Selectwoman Belanger to accept the minutes of the May 18, 2015 BOS meeting, with the two amendments noted, submitted by Nicole Piper, recording secretary. Motion carried – all in favor.

5. Appointments

None.

6. Discussion/Action Items

a. New Business

i) Gilman Street Agreement

A Motion was made by Selectman Chartrand and seconded by Selectwoman Belanger that the Selectboard approve the Gilman Street Agreement. Motion carried – all in favor.

The Board all signed the Agreement.

ii) Wastewater Facility Design/Engineering BAN

Mr. Dean talked about the Bond Anticipation Notes. The Municipal Bond Bank will be giving them \$3.3 million first with a .75% interest rate. When the decision to move forward comes, they will roll the \$3.3 million into a longer term bond. There is \$5 million in authority to work with.

A Motion was made by Selectman Chartrand and seconded by Vice Chair Clement that the BOS approve the Bond Anticipation Notes in the amount of \$3.3 million to Merchant's Bank with a .75% interest rate with a due date of July 22, 2015. Motion carried – all in favor.

iii) Lincoln/Water/Tremont/Daniel Water/Sewer Design Agreement

Mr. Dean said this was Article 7 of the 2015 Warrant. They are now moving forward with this. Vice Chair Clement would like to get a schedule of work to be done. He asked if they are only moving forward with the Lincoln/Water/Tremont/Daniel areas. This has nothing to do with the Epping Road TIF. Ms. Perry said yes, this is only the design for Lincoln/Water/Tremont/Daniel. They are looking to fast track in the vicinity of the school. Construction could start in August, or early September. Vice Chair Clement said the area with the school is a challenge. He said DPW has engaged with neighborhoods before. He wondered if they would again on this. He said it is great to get out a public notice. Ms. Perry said yes, DPW will be getting it out to neighborhoods.

A Motion was made by Selectman Chartrand and seconded by Vice Chair Clement that the BOS approve the award of the Lincoln/Water/Tremont/Daniel Water/Sewer design to CMA Engineers in the amount of \$26,500. Motion carried – all in favor.

iv) Exeter Mills Release of Water Rights Agreement

Selectman Chartrand said he gets questions if the town is on track to take the dam out. He asked if this agreement will keep the town on track. Ms. Perry said they couldn't do dam removal without having water supply at the Mills. As of now, they are on track. They are having a hard time with permitting. This agreement is very important. They are moving ahead as of now as predicted. Vice Chair Clement said signing this document alleviates them from having to deal with this in the future.

A Motion was made by Selectman Chartrand and seconded by Vice Chair Clement that the BOS approve this agreement between the Town of Exeter and the Exeter Mills, LLC which will release water rights held by the Exeter Mills, LLC and allow improvements to be constructed on the Mills property to meet previously deeded water rights, and I further ask the Board to authorize the Town Manager, Russell Dean, to sign paperwork associated with such agreement on behalf of the Town. Motion carried – all in favor.

v) Townwide Facilities Plan Agreement

Chairwoman Gilman said they got a proposal from HL Turner Group, Inc. Selectwoman Surman asked if this went to bid. Chairwoman Gilman said it did not, but is the company is qualified. Vice Chair Clement asked if it was the only group that met the RFQ. Chairwoman Gilman said no, but it was the best match. There is more interaction that going out to bid. Vice Chair Clement asked if this is normal procedure. Mr. Dean said yes. He said that one thing Turner submitted over others were their audit documents. Vice Chair Clement asked what a "user meeting" was. Chairwoman Gilman said it is when you engage with employees.

A Motion was made by Selectman Clement and seconded by Selectwoman Belanger that the BOS approve the agreement between the Town of Exeter and HL Turner Group, Inc. in the amount of \$50,000 to conduct a Townwide Facilities Plan. Motion carried –all in favor.

vi) Economic Development Agreement

Chairwoman Gilman talked about the Consulting Agreement in the packet which would change the status of the Economic Development Director from full-time to a consultant.

Selectwoman Surman thinks this agreement is premature. She was involved in the Budget Recommendations Committee discussions pertaining to the hire of an Economic Development Director position. She said people were strongly opinionated. The group had decided that a full-time employee would be best, so it went on the warrant and the town voted it in. She said to have this agreement is somewhat disrespectful to all the work that was done.

She is concerned that the current Economic Development Director doesn't want to be a full-time employee. She thinks that person has three options; retire, be terminated, or do his job that he was hired to do.

Vice Chair Clement talked about the discussions that were had when the idea of this position was brought up. They had come up with the position and advertised for it. This was less than a year ago. Now, if they abandon this plan, he would like to open back up the discussion. He would like the Board to create a contractual agreement. He said he doesn't want to look at the contract until they further converse.

Selectwoman Belanger said she doesn't look at this agreement and think that Mr. Winham doesn't want to be a full-time employee, but that there is an option here to discuss.

Chairwoman Gilman thinks there may be reluctance with a developer from dealing with the town directly. She doesn't have a problem switching the Economic Development Director to consulting because she feels the position is better fitted for consulting. She said she has learned a lot this past year.

Selectman Chartrand was in agreement with Chairwoman Gilman. He is willing to look at the consulting agreement. He thinks the Board needs to look more closely at it. They should discuss it in specific detail. He said Mr. Winham has done exceptional work. He said it would be great to have a consensus. Chairwoman Gilman agreed, and said she is going to put this on the next meeting's agenda.

Selectwoman Surman said if they decide to go with a consultant, they should open the job to other consulting agencies. She wants to consider all other consultants. They can look at it as a re-hire and DarWin can apply.

Chairwoman Gilman said the first step is to look at the pros and cons. Vice Chair Clement suggested having a work session to talk about the position. Selectwoman Surman said because they are changing the position, she wants to open it to all potentials.

Chris Vaughn, Exeter resident, said if the job is changing then the field of applicants shifts with that. She said it is out of practice to just change the position. She wondered how this change will benefit the town. She also suggested that they discussion not be a closed meeting.

Mr. Dean said one reason they have the agreement is to be transparent. It is for everyone to look at. Also, the compensation piece in a consulting agreement is different. He also said there is a 30-day termination policy with a consulting agreement, which the town doesn't have.

Brian Griset asked who brought the agreement forward. Chairwoman Gilman said it was a discussion between Mr. Dean and Mr. Winham. Mr. Griset said if they look at a

consultant, they need to not look at a specific agreement. Chairwoman Gilman said that is why they need to look more closely at this.

Dave Wilson said the biggest issue is how the TIF will proceed.

Selectwoman Surman and Vice Chair Clement said they want a work session.

Darren Winham said he likes being a full-time employee. She said he is trying to offer protection that the town doesn't have. He thought this would be a benefit to the town.

Bill Winter said he hopes the Board will listen to what Selectwoman Surman said.

vii) TIF Advisory Board

Chairwoman Gilman said state laws say the TIF district has to be managed, i.e. have an Advisory Board to deal with money, and report to the BOS. The Advisory Board is required to have five members and three need to be property owners or developers in the area, one BOS rep., and the Economic Development Director.

A Motion was made by Vice Chair Clement and seconded by Selectman Chartrand to appoint, as a property owner, John Shaftmaster to the TIF Advisory Board with a term to expire May 31, 2016. Motion carried –all in favor.

A Motion was made by Vice Chair Clement and seconded by Selectman Chartrand to appoint Mike Lampert to the TIF Advisory Board with a term to expire May 31, 2016. Motion carried – all in favor.

A Motion was made by Vice Chair Clement and seconded by Selectman Chartrand to appoint Tom Monehan to the TIF Advisory Board with a term to expire May 31, 2016. Motion carried – all in favor.

A Motion was made by Vice Chair Clement and seconded by Selectman Chartrand to appoint Darren Winham, as the Economic Development Director, to the TIF Advisory Board with a term to expire May 31, 2016. Motion carried – all in favor.

A Motion was made by Vice Chair Clement to appoint Anne Surman, as the BOS rep, to the TIF Advisory Board with a term to expire May 31, 2016. With no second, Motion fails.

Selectman Chartrand talked about a procedure to elect a BOS rep. Selectwoman Surman came up with a recommendation of how to elect. Vice Chair Clement said this person has to have a relationship with land owners. Selectman Chartrand said he is interested in Selectwoman Belanger being the BOS rep because she has legal background. Chairwoman Gilman called for nominations. Vice Chair Clement nominated Selectwoman Surman.

Selectman Chartrand nominated Selectwoman Belanger. The Board took a vote. Chartrand, Belanger, and Gilman voted Belanger. Surman and Clement voted for Surman.

A Motion was made by Selectman Chartrand and seconded by Selectwoman Surman to appoint Nancy Belanger, as BOS rep, to the TIF Advisory Board with a term to expire on May 31, 2016. Motion carried –all in favor.

b. Old Business

i) Sportsmen's Club Update

Chairwoman Gilman said there is an issue with paragraph 2 on the lease. There is a proposed site walk to look at the berm. She suggested letting that happen before saying what it next. She said a member of the Club's neighborhood has volunteered to speak with town counsel about the paragraphs of concern. This man is an attorney. It is not a sure thing, she was just informing the Board of this. Vice Chair Clement didn't think it was a good idea. It could jeopardize the client relationship. The lease was reviewed by counsel. Counsel is for the town to engage for legal interpretations. He said it will cause issues. Selectman Chartrand agreed. Vice Chair Clement said there should still be a site walk. Selectman Chartrand said he feels for the neighborhood, but the town voted on this lease.

Beth Brosnan, from Robin Lane, said Chairwoman Gilman had talked to her about town counsel's interpretation of the lease. She wished this had gone on the agenda earlier. The noise section of the lease says the tenant will make efforts to attenuate sound and extend the berm to attenuate sound across the pond. However, she says the sound across the pond has not been diminished at all from the berm. Shooting now continues later at night because of the lights. Shooters are also shooting different guns that are louder. When the Club requested a 40 year lease in 2009, they had talked about enclosing the range. She says enclosing the range would be a win-win. The Club is also required to have 20% Exeter residents. She is interested to know where that is at.

Selectman Chartrand said the Board approved the lease only under the direction of the legislative body.

Mr. Dean said he would forward Ms. Brosnan the residency figures. Ms. Brosnan also asked for a follow-up after the site walk happens.

Brian Griset asked if the sound report was when the leaves were off the trees. He said there was discussion about doing another sound test when the leaves came back on. Ms. Brosnan said the leaves presence was not a huge discrepancy.

Chairwoman Gilman said when they know the date of the site walk, they will get it out to everyone.

ii) Wastewater Facility Update

Ms. Perry gave a Wastewater update. She said they are still getting figures from Portsmouth regarding linking in with them. She has had a couple meetings on the Wastewater Treatment Plan. The first step is the preliminary design. They are looking at different options. It was a very technical meeting with Wright-Pierce. They presented four options: MLE treatment process, Bartenfo process, sequencing batch reactor, and broliac. She said each has advantages and disadvantages. At the meeting, the Bartenfo process was the preferred process. At this point in time, Bob Kelly talked about a joint BOS and Water/Sewer Advisory Committee meeting to talk about these options. They still have a 2016 June start date. They are giving Wright-Pierce the go ahead.

The Board talked about having a meeting soon. They would like to get a full presentation for a recommendation. Chairwoman Gilman would like to meet next week, before the next BOS meeting. She asked the Board and Ms. Perry to come up with a date.

Brian Griset said there is an 8 mg standard in Portsmouth. He asked if their numbers will reflect 5 and 3 mg. Selectman Chartrand said they are not required to do 5 and 3. Ms. Perry said she doesn't know what they have.

Ms. Perry and the Board threw out a proposed date of June 8 for the combined meeting.

7. Regular Business

a. Tax, Water/Sewer Abatements & Exemptions

The two Intent to Cut requests were tabled.

A Motion was made by Selectwoman Belanger and seconded by Selectman Chartrand to approve a Yield Tax for map 56, lot 3, unit 1 in the amount of \$1,121.24. Motion carried –all in favor.

A Motion was made by Selectwoman Belanger and seconded by Selectman Chartrand to approve a Yield Tax for map 46, lot 4 in the amount of \$1,107.13. Motion carried – all in favor.

A Motion was made by Selectwoman Belanger and seconded by Selectman Chartrand to approve abatement for map 110, lot 2, unit 22 in the amount of \$76.72. Motion carried – all in favor.

A Motion was made by Selectwoman Belanger and seconded by Selectman Chartrand to approve abatement for map 110, lot 2, unit 107 in the amount of \$72.43. Motion carried –all in favor.

A Motion was made by Selectwoman Belanger and seconded by Selectman Chartrand to approve abatement for map 110, lot 2, unit 107 in the amount of \$57.33. Motion carried –all in favor.

A Motion was made by Selectman Chartrand and seconded by Selectwoman Surman to waive the \$41.88 late fee from a tax bill for December 2014 for Katherine Booth. Motion carried – all in favor.

b. Permits & Approvals

A Motion was made by Selectman Chartrand and seconded by Vice Chair Clement to approve an application for use of the Town Hall by Jean Schwab for a Seacoast Wind Ensemble concert band rehearsal on June 9, 2015 from 630pm-930pm. Motion carried – all in favor.

A Motion was made by Selectman Chartrand and seconded by Vice Chair Clement to approve the application for use of the Town Hall by Roger S. Wilkins for a Town Hall Meeting on Veteran’s Issues on June 25, 2015 from 830am-1030am. Motion carried – all in favor.

A Motion was made by Selectman Chartrand and seconded by Selectwoman Belanger to approve the application for use of the Town Hall for the NH Children’s Trust Fiddle Ensemble on April 16, 2016 from 2pm(set up time)-11pm (clean up time). Motion carried – all in favor.

A Motion was made by Selectman Chartrand and seconded by Selectwoman Belanger to approve the application for use of the Town Hall by Trisha Allen for a Public Works Dept. Retirement send-off on June 19, 2015 from 10am-3pm. Motion carried –all in favor.

c. Town Manager’s Report

Mr. Dean included his report in the packet, and talked about the following:

- Held a meeting with Police Chief, DPW Director and Fire Chief to discuss items of interest/cross department discussion
- His time at the “Shoot Don’t Shoot” exercise at het Police Department
- A meeting with Randy Owen and Kevin Smart regarding updates to Fleet Study. He said there is no centralized system of vehicle maintenance
- The Memorial Day Parade. Selectwoman Belanger thanked everyone who came out for the parade. She recommended inviting volunteers and community members to walk with the Board. Selectman Chartrand suggested stopping at the Academy’s memorial too.
- Town cash meeting with Finance, Treasurer on May 28th for finalizing April. He said Sue Penny is the new Treasurer.
- Citizen Requests/complaints- Smoking in public park. Chairwoman Gilman wants to look into this.

Chairwoman Gilman also wanted to inform that press stories on the loka are not done without the consent of the owner.

d. Committee Reports

Selectwoman Belanger reported a Conservation Committee meeting next Tuesday. They will be delivering rain barrels on Saturday morning.

Selectman Chartrand reported an EEDC meeting on May 19, where they elected officers. There was also a report on housing and a presentation on public transportation.

Selectwoman Surman had nothing to report.

Vice Chair Clement reported a Planning Board meeting last week. He said they talked about policies and procedures. They meet again this week. The PEA wants to relocate their tennis courts. He also went to two meetings on the Wastewater Treatment Plant and has a Unutil breakfast tomorrow morning at 5am.

Chairwoman Gilman reported a Historic District Commission meeting and a Heritage Commission meeting where there were requests for demo review and they had made some recommendations.

e. Correspondence

The following correspondence were included in the packet:

- A memo from Brian Comeau. A Motion was made by Selectman Chartrand and seconded by Selectwoman Belanger that the BOS approve the 2 Way Communications as the vendor for the Fire and Police Communications project. Motion carried – all in favor.
- A letter from Daniel Demers about a putting a bench in front of D Squared Java. A Motion was made by Selectman Chartrand and seconded by Selectwoman Belanger to approve placement of one bench that is 5 feet long, 16 inches deep, and 24 inches tall outside of D Squared Java. Motion carried –all in favor.
- A letter from NHDES
- A letter from the NH Highway Safety Agency
- A proposed to Mr. Lewis. Vice Chair Clement suggested changing some wording. Selectwoman Surman had a problem with the letter. She said it is an inappropriate use of BOS power and that it is too harsh. A Motion was made by Selectman Chartrand and seconded by Selectwoman Belanger to rework the letter to soften the language and send it off. Motion fails – Belanger and Chartrand vote yes, Surman and Gilman vote nay, Clement abstained. Selectwoman Belanger said the

intent is to open up dialogue. Mr. Winham said he met with Mr. Lewis. He suggested trying to illicit some dialogue to get him to sit down and see what he wants to do with his property. The Board decided they would put this on the next agenda.

8. Review Board Calendar

The next BOS meeting will be June 15, 2015.

10. Adjournment

A Motion was made by Selectwoman Belanger and seconded by Selectman Chartrand to adjourn the meeting at 10:24pm. Motion carried – all in favor.

Respectively submitted,

Nicole Piper
Recording Secretary